

**BOARD OF ENVIRONMENTAL PROTECTION**  
**Meeting Minutes**

June 17, 2004

A meeting of the Board of Environmental Protection was held on Thursday, June 17, 2004, at the Holiday Inn / Ground Round in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

**Board:** Ernest Hilton, Nancy Anderson, Donald Guimond, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson, and Matt Scott. Irving Faunce arrived at approximately 9:20, and Virginia Plummer arrived at approximately 9:45a.m.

**Absent:** Nancy Ziegler

<b><u>Staff:</u></b>	<u>Bureau of Air Quality</u>	Donald Anderson
	<u>Bureau of Air Quality</u>	David Wright
	<u>Bureau of Land and Water Quality</u>	Becky Madox
	<u>Bureau of Land and Water Quality</u>	Judy Gates
	<u>Bureau of Land and Water Quality</u>	Lisa-Kay Keen

**Others:** David P. Littell, Deputy Commissioner  
Dennis Harnish, Assistant Attorney General  
Cynthia Bertocci, Executive Analyst  
Terry Hanson, Administrative Assistant

*(Meeting adjourned at approximately 5:00 p.m.)*

**I. DEPARTMENTAL**

**A. COMMISSIONER'S COMMENTS:** Deputy Commissioner David Littell reported the following:

DEP Senior Management Team Retreat: The Department's senior staff has finalized a list of priority projects. This list will be provided to the BEP once completed.

Eastern Fine Paper: The Department and the US Environmental Protection Agency will work in partnership on chemical removal at the Eastern Fine Paper facility in Brewer. On Monday the USEPA officially took the lead role in this clean-up using its authority and funding and will enable the removal of all hazardous materials except the petroleum products.

Lincoln Pulp and Paper: The sale of the Lincoln Pulp and Paper facility was finalized and paper and pulp production operations have resumed, resulting in the return of approximately 360 workers.

Maine Yankee: The Department continues to oversee the decommissioning of Maine Yankee. The Department is working on an agreement with Maine Yankee for a radiological ground water monitoring plan. Dennis Harnish, Assistant Attorney General has provided valuable assistance to the Department in the development of this agreement. The agreement lays out the list of tasks to be funded and completed by Maine Yankee. Additionally, the Department is reviewing Maine Yankee's cumulative risk assessment for the site. A Corrective Management Study addressing non-radiological aspects at the site is under review by the Department to determine what clean up or remediation work may be necessary.

Ozone Season: The start of this year's ozone monitoring season was marked by an exceedence of the standard in Ashland last week. It is unusual for an exceedence to occur this far north. The Department evaluated the meteorological data and believes the cause of the Ashland exceedence is likely due to transport from the Montreal region.

Recognition of Ms. Littlefield's Board Service: Deputy Commissioner Littell presented Board member Katharine Littlefield with a plaque in appreciation of eight years of strong service on the Board.

**B. CHAIRMAN'S COMMENTS:**

Chair Wardwell expressed his appreciation of Ms. Littlefield's eight years of dedicated service and valuable contributions to the Board of Environmental Protection, noting her unique perspective as a municipal official and her common sense approach to regulation. Mr. Wardwell presented Ms. Littlefield with a gift from the members of the Board and staff. Other Board members voiced their appreciation of Ms. Littlefield and her contributions to the Board.

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| <b>C. EXECUTIVE ANALYST COMMENTS:</b> | None     |
| <b>D. BOARD CALENDAR:</b>             | Reviewed |
| <b>E. DEPARTMENTAL ORDERS:</b>        | Reviewed |
| <b>F. EXECUTIVE SESSION:</b>          | None     |

**II. CONSENT AGENDA ITEMS**

The consent agenda items 1 and 2 were withdrawn from consideration.

1. BEP Minutes, March 4, 2004 (approval)
2. BEP Minutes, March 18, 2004 (approval)

The Board voted (7-0-0-3) to approve as presented consent agenda items 3, 4, and 6 as presented.

*Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson, and Matt Scott voted to support the motion. Board members Nancy Ziegler, Irving Faunce and Virginia Plummer were absent.*

3. WAUSAU PAPERS OTIS MILL, INC., Jay – Administrative Consent Agreement (BAQ)
4. NEWCASTLE SHORES, INC. and HANLEY CONSTRUCTION, INC., Newcastle – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
6. BIX FURNITURE STRIPPING & REFINISHING SERVICE, INC., Auburn – Administrative Consent Agreement and Enforcement Order (BRWM)

The Board voted (6-1-1-2) on a motion to approve as presented consent agenda item 5.

*Board members Donald Guimond, Irving Faunce, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson and Matt Scott voted to support the motion. Board member Nancy Anderson voted opposed to the motion. Board member Ernest Hilton abstained. Board members Nancy Ziegler and Virginia Plummer were absent.*

5. SUGARLOAF LAND PARTNERS I, Carrabasset Valley – Administrative Consent Agreement and Enforcement Order (BLWQ - Land)

### **III. Regular Agenda**

1. CHAPTER 130, SOLVENT CLEANERS / NEW (adoption)  
Staff: Donald L. Anderson, Bureau of Air Quality

The Board voted (8-0-0-2) on a motion to adopt Chapter 130 Solvent Cleaners including minor changes as presented on the Errata sheet dated June 16, 2004. The vote was taken pursuant to 38 M.R.S.A., Section 585-A.

*Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Irving Faunce, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson and Matt Scott voted to support the motion. Board members Nancy Ziegler and Virginia Plummer were absent.*

2. CHAPTER 100, DEFINITIONS REGULATION and CHAPTER 137, EMISSION STATEMENTS (adoption)  
Staff: David Wright, Bureau of Air Quality

- A. The Board voted (6-2-1-1) on a motion to amend the applicability section of Chapter 137 as follows:

Section 1D.

...If any one pollutant as specified in Section 1(B) is emitted at or above the minimum required reporting level, the data for all pollutants listed in Section 1(B) and 1(C) must be collected and reported; except that, for the purposes identified in 1(C), insignificant activities as defined in Chapter 115.

*Board members Ernest Hilton, Irving Faunce, Donald Guimond, Katharine Littlefield, Virginia Plummer and Jean T. Wilkinson voted to support the motion. Board members Richard Wardwell and Nancy Anderson voted opposed. Board member Matt Scott abstained. Board member Nancy Ziegler was absent.*

- B. The Board voted (8-0-1-1) on a motion to amend the filing and reporting deadline from April 1, 2006 to July 1, 2006 throughout the rule.

*Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Irving Faunce, Katharine Littlefield, Virginia Plummer, Richard Wardwell, and Jean T. Wilkinson voted to support the motion. Board member Matt Scott abstained. Board member Nancy Ziegler was absent.*

- C. The Board voted (3-6-0-1) on a motion to post the rule with the above amendments to 30-day written public comment. Motion Failed.

*Board members Irving Faunce, Virginia Plummer and Donald Guimond voted to support the motion. Board members Ernest Hilton, Nancy Anderson, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson and Matt Scott voted opposed. Board member Nancy Ziegler was absent.*

The Board voted (7-1-1-1) on a motion to adopt Chapter 100, Definitions and Chapter 137, Emission Statements as proposed by staff with the following amendments: correction of minor typographical error in Section 3E, additional language to Section 4.D(4) regarding de minimis emissions, and modification of the filing/reporting deadline from April 1<sup>st</sup> to July 1<sup>st</sup> throughout. Amendment language is as follows:

Section 3.E. Notwithstanding the other provisions of subsections 3A-3E~~D~~ above, all...

Section 4.D(4): ...pounds per year, as appropriate. De minimis emissions need not be reported. De minimis levels means those emissions, calculated on a per facility basis, below 1 ton CO<sub>2</sub> equivalent or 1% of the minimum reporting threshold for criteria pollutants.

The vote was taken pursuant to 38 M.R.S.A. Section 585-A, 585-C and 575.

*Board members Ernest Hilton, Nancy Anderson, Irving Faunce, Katharine Littlefield, Virginia Plummer, Don Guimond, and Jean T. Wilkinson voted to support the motion. Board member Richard Wardwell voted opposed. Board member Matt Scott abstained. Board member Nancy Ziegler was absent.*

3. LINDA & VITO COUCH / DENIAL OF AFTER THE FACT NRPA APPLICATION (appeal)  
Staff: Lisa-kay Keen, Bureau of Land and Water Quality

The Board voted (8-1-0-1) on a motion to affirm the Commissioner's decision incorporating all findings and conditions in Department Order L-21602-2A-A-N and deny the appeal submitted by Linda and Vito Couch. The vote was taken pursuant to 38 M.R.S.A. Section 480-A to 480-Z and 06-096 CMR Chapter 2.

*Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Irving Faunce, Katharine Littlefield, Virginia Plummer, Richard Wardwell and Jean T. Wilkinson voted to support the motion. Board member Matt Scott voted opposed. Board member Nancy Ziegler was absent.*

**BOARD TO RECONVENE AND CONDUCT PUBLIC HEARINGS:**

**1:30 p.m.** Chapter 152, Control of Emission of Volatile Organic Compounds from Consumer Products / New

**2:30 p.m.** Chapter 148, Emissions from Smaller-Scale Generating Facilities / New